

## REMARKS

In the application claims 14-41 remain pending, claims 1-13 and 42-46 having been canceled without prejudice. The claims as pending have been amended in certain circumstances to more clearly define what is regarded as the invention as well as to ensure proper antecedent bases. Support for the amendments may be found in the specification as originally filed and, as such, no new matter has been added.

The pending claims currently stand rejected under 35 U.S.C. § 103 as allegedly being rendered obvious primarily over Lee (U.S. Patent No. 6,728,531) in view of Treyz (U.S. Patent No. 6,711,474). The reconsideration of the rejection of the claims is, however, respectfully requested.

In the rejection of the claims it was acknowledged that, among other things, Lee does not disclose, teach, or suggest the claimed computer system, remote from a vehicle coupled to an automotive storage and playback device, that both sends digital media content via a wireless local area network to the automotive storage and playback device when the automotive storage and playback device is within range of a wireless local area network and obtains at least a portion of the digital media content at scheduled times from one or more servers via a wide area network based on user defined preferences directly input into the computer system by a user. Specifically, the rejection of the claims acknowledged that “Lee does not specifically teach automatically obtaining at least a portion of the digital media file from a wide area network based on user preferences input into the computer system.” (Office Action on pgs. 3, 4, and 13). Rather, as extensively discussed in the response submitted on March 16, 2006 and in direct contrast to that which is claimed, Lee discloses, teaches, and suggests a system in which a user interface, comprised of user tuning preferences, is downloaded to the vehicle’s multimedia device (20), through the use of a remote programmable device (40), to thereby allow digital media content to be retrieved directly into

the vehicle's multimedia device (20) in response to a user manually interacting with the user interface *as it is presented on the vehicle's multimedia device (20)*.

Turning now to Treyz, it is respectfully submitted that Treyz, like Lee, also fails to disclose, teach, or suggest the claimed computer system, remote from a vehicle coupled to an automotive storage and playback device, that both sends digital media content via a wireless local area network to the automotive storage and playback device when the automotive storage and playback device is within range of a wireless local area network and obtains at least a portion of the digital media content at scheduled times from one or more servers via a wide area network based on user defined preferences directly input into the computer system by a user. In this regard and in a manner similar to that described within Lee, the system of Treyz utilizes preferences that are input or gathered *directly by the vehicle's computer system (14)* to thereby cause information to be provided to the vehicle's computer system. For example, in Col. 59, lines 31+, Treyz expressly describes that "[a]utomobile personal computer 14 may collect information on the user's interests and the user may supply information to automobile personal computer 14 on the user's interests." Thus, it is respectfully submitted that Treyz not only fails to disclose, teach, or suggest those claim elements that have been acknowledged to be missing from Lee but, in fact, teaches directly against using a computer system, *located remotely from a vehicle*, both to send digital media content via a wireless local area network to an automotive storage and playback device coupled to the vehicle and to obtain at least a portion of the digital media content at scheduled times from one or more servers via a wide area network based on user defined preferences *directly input into the computer system by a user*. Accordingly, it is respectfully submitted that nothing from Treyz can be said to demonstrate the obviousness of modifying Lee to arrive at the exact invention claimed. For at least this reason, it is respectfully submitted that the rejection of the claims must be withdrawn.

Considering also the rejection of claims 15, 20, and 35 under 35 U.S.C. § 103 based upon the combination of Lee, Treyz, Beard (U.S. Patent No. 6,434,187) and Boys (6,314,094), it is respectfully submitted that the espoused combination of references cannot support a *prima facie* case of obviousness. In particular, it is respectfully submitted that neither Lee, Treyz, nor Beard, disclose, teach, or suggest, the claimed automotive storage and playback device *broadcasting a discovery message* to thereby cause the sending of media content to the automotive storage and playback device by the remote computer system, the discovery message being broadcast *when the automobile coupled to the automotive storage and playback device is turned off*. That Lee, Treyz, and Beard fail to disclose these claimed elements has been acknowledged in the rejection of the claims: “Lee in view of Treyz and Beard do not specifically teach of the described functions occurring when the automobile coupled to the automotive storage is turned off.” (Office Action, pg. 7). While the rejection of the claims has asserted that Boys teaches the described functions occurring when a vehicle is turned off at Col. 3, lines 31-41, it is respectfully noted that this cited passage never discloses, teaches, or suggest any device transmitting any message for any purpose when the vehicle is turned off:

In some embodiments the radio is programmed to access a specific directory server upon connection to the Internet, and to download a predetermined list of hyperlinks to Internet broadcast servers from the directory server. In other embodiments hyperlinks may be programmed through a user interface to the radio, manually, or through such as a serial port. The user input can be a plurality of pushbuttons, each pushbutton associated with a specific hyperlink, wherein activation of a pushbutton invokes the stored hyperlink.

(Boys; Col. 3, lines 31-41).

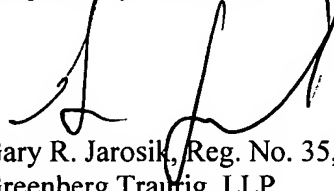
Accordingly, since the cited passage is silent as to the elements of the invention claimed that have been acknowledged to be missing from Lee, Treyz, and Beard, it is respectfully submitted that the combination of Lee, Treyz, Beard, and Boys cannot be said to include all of the elements claimed and, furthermore, that Boys simply cannot be said to demonstrate the

obviousness of modifying any one of Lee, Treyz, or Beard to arrive at the invention claimed. For at least these additional reasons, it is respectfully submitted that the rejection of claims 15, 20, and 35 must be withdrawn.

Conclusion

It is respectfully submitted that the application is in good and proper form for allowance. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned. While it is not believed that any fees are due, the Commissioner is authorized to charge any fee deficiency to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read 'G. Jarosik', is written over the printed name and firm information.

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